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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Written statement*/ submitted by Human Rights Watch, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[5 January 2001]

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*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

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Indonesia

Indonesia made further strides in protecting human rights in 2000, but serious regional conflicts, a weak legal system, and delicate civil-military relations pose ongoing obstacles. Three areas wracked by conflict--Aceh, Irian Jaya (Papua), and the Moluccas--have experienced widespread violations. At the end of 2000, conditions for hundreds of thousands of people displaced by communal conflict in the Moluccas as well as East Timorese refugees in West Timor remained precarious. Accountability for current and past abuses is essential to long-term peace, but Indonesia has done little to bring perpetrators to justice. Human Rights Watch urges the Commission to call for the creation of an international tribunal for East Timor and to press Indonesia to prosecute past atrocities in Aceh and Papua, as well as other crimes that occurred during the Soeharto era.

Aceh

Widespread violations took place despite the "humanitarian pause" agreed to by rebels and government representatives in May 2000, with scores of new civilian casualties. Peaceful advocates of a referendum on Aceh's political future became the target of security forces; human rights activists and humanitarian aid providers were frequently harassed and in several cases were killed. Eyewitness testimony pointed to military involvement in the murder of three humanitarian aid workers in December; the brutal murder of human rights lawyer Jafar Siddiq Hamzah, whose body was found in September, remains unsolved.

In a letter sent on 22 November 2000, five CHR experts noted a "pattern of serious human rights violations" in Aceh. We urge the Indonesian government to invite all five experts to Aceh to view conditions firsthand.

Papua

Use of lethal force against protestors, arbitrary arrests, and torture of suspects have exacerbated anti-Jakarta sentiment. In late 2000, the government began to take a hard line against activists, temporarily detaining Johannes Bonay, head of Elsham, Papua's leading human rights organization, and resurrecting discredited Soeharto-era laws to arrest peaceful advocates of independence. There were also new reports of severe torture of suspects in police custody. We call on Indonesia to invite the CHR experts on human rights defenders and torture, as well as the working group on arbitrary detention, to visit Papua as soon as possible.

Moluccas

The region remains a tinderbox. Exact casualty figures are difficult to verify, but estimates put the toll from October 1999 to September 2000 alone at over 5,000 dead, and hundreds of thousands have been displaced. Indonesia must take decisive action to arrest and prosecute instigators of and participants in the communal violence on both the Christian and Muslim sides, including members of the Laskar Jihad. It should also take legal action against military and police who join the conflict. The Commission should urge Indonesia, with full international support, to provide additional humanitarian assistance for the displaced.

Iran

Despite the victory of reformist supporters of President Khatami in parliamentary elections in February 2000, Iran's year was marked by severe setbacks in the human rights field. Independent

newspapers and magazines, a leading force for the reform movement and the most visible sign of human rights progress, have been closed down en masse. Leading journalists, editors and publishers are among the dissidents and reform leaders imprisoned for exercising their right to freedom of expression. Conservatives remain in control of the judiciary and the armed forces, and they have been able to block efforts to promote reform and respect for the rule of law. Religious minorities, notably Christians, Jews and Sunni Muslims, remain subject to discrimination and persecution. Iran's Jewish community was severely shaken by the prosecution of ten Jews from Shiraz on unsubstantiated charges of having illegal contacts with a hostile foreign power. The trial took place behind closed doors in April and May 2000. Iran's Baha'is continue to be the target of intense persecution. The deterioration in the human rights situation in the Islamic Republic over the period since the previous session of the Commission warrants the continuation of the mandate of the Commission's Special Representative on human rights in Iran. For the same reason, the Commission should call upon the government of Iran to grant the Special Representative access to the country in accordance with his repeated requests to visit.

Sierra Leone

Sierra Leone continues to be plagued by widespread human rights abuses and the pervasive climate of impunity. While the Revolutionary United Front (RUF) continues to commit the overwhelming majority of atrocities -- including rape, murder, abduction, forced conscription, and amputation, as well as attacks on Guinean villages and civilians -- serious abuses are also committed by the Civil Defense Forces (CDF, primarily the Kamajors and Gbithis) including rape, systematic extortion, looting of villages, commandeering of vehicles, recruitment of children, and torture and summary execution of suspected rebels.

The United Nations Mission in Sierra Leone (UNAMSIL) is currently over 12,000 members strong, yet, despite the provisions in its current mandate, its role in protecting civilians has been extremely limited. We urge the Commission to focus attention on the need for UNAMSIL to protect civilians. Specifically, the Commission should reaffirm UNAMSIL's obligation under its current mandate to protect civilians and to ensure that this be established as an immediate and primary concern of troops on the ground. UNAMSIL should be required to take all necessary measures to protect civilians within its areas of deployment, and to use its best efforts to expand the zone within which it is able to protect civilians.

The human rights component of UNAMSIL has been set by the Security Council at 14. Yet, the unit has not reached its full deployment. The Commission should urge that the UNAMSIL human rights component is fully staffed and deployed. UNAMSIL's efforts to promote protection for civilians would also be greatly improved if the work of the human rights unit were better integrated into the larger UNAMSIL mission. We urge the Commission to ensure that the human rights unit be strengthened with the necessary mandate and resources to enable it to investigate and publicly report on human rights abuses by all sides to the conflict, and that its findings and recommendations be given due weight by UNAMSIL's military and political components.

The establishment of the Special Court for Sierra Leone remains an urgent priority, yet progress toward establishing the court has been extremely slow. We urge the Commission to reaffirm that there can be no impunity for perpetrators of war crimes and crimes against humanity by any side to this conflict.

Uzbekistan

Noting the severe and intransigent deterioration of human rights in Uzbekistan, we again call on the Commission to appoint a Special Rapporteur on that country. Three years ago, the government of President Islam Karimov unleashed an unrelenting campaign against pious Muslims who practiced their religion outside state controls. State authorities arrested thousands of independent Muslims on arbitrary grounds, often solely on the basis of outward acts of piety, such as regular prayer at home or Koranic study. The campaign unfolded in an environment in which the government had for years denied basic rights—to freedom of association, assembly, speech, conscience—in most sectors of society. It instensifed following the February 1999 bombings in Tashkent.

Two years of Human Rights Watch field research has documented the torture and violation of basic rights—to due process rights and to freedom of conscience—suffered by hundreds of Muslim detainees. State authorities hold them in incommunicado detention and deny them access to counsel. Police torture is a standard feature of Uzbekistan's criminal justice system; those arrested in the crackdown have been tortured by police or security agents to coerce confessions or to incriminate those with whom they have prayed or studied Koran. In the past two years alone, at least fifteen people have died in custody due to torture. Judges use coerced testimony in patently unfair trials to convict independent Muslims on charges of distributing religious literature, membership in illegal religious organizations, or "anti constitutional activity." Independent Muslims who pray in prison are punished with beatings and solitary confinement.

Under a publicly announced policy, families are held accountable for the actions of relatives suspected of illegal religious activity; consequently, they are often detained, held as hostages, threatened with torture, or are themselves tortured. Local governments mobilize their communities in "hate rallies," reminiscent of the Stalin era, to intimidate and ostracize those suspected of affiliation with independent Muslims.

Last summer's armed clashes between the Islamic Movement of Uzbekistan and the Uzbek and Kyrgyz military brought closer international attention to the region's security problems. But international institutions largely failed to take into account the human rights crisis as a factor that further endangers the security of Uzbekistan and other countries in the region.

Because the government does not tolerate free media of any kind, genuine opposition political parties, or most independent human rights organizations, accountability for these massive violations and hope for improvements, however incremental, rest solely with the international community. Human Rights Watch commends the interest in Uzbekistan shown by the High Commissioner's office, manifested in part by requests from two special mechanisms for invitations from the government of Uzbekistan for visits. Broader Commission engagement would hold the promise of more comprehensive and concerted effort toward improvements in a disastrous situation.